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OFFICE OF PETITIONS

In re Application of :
Gilbert Blaise et al. :
Application No. 09/402,642 :
Filed: October 1, 1999 :
Attorney Docket No. ML/12482.11 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 19, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113, to the final Office action mailed May 22, 2002, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) have been obtained. Accordingly, the above-identified application became abandoned on November 23, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the extension of time submitted with the petition on June 19, 2003 was subsequent to the maximum extendable period for reply, the extension of time is unnecessary and will not be processed.

The application file is being forwarded to Technology Center AU 3761, for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

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